



2026:DHC:1776



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 25th February, 2026***+ **CRL.M.C. 1538/2026 & CRL.M.A. 6232/2026****MOHAMMAD PARWEJ**

.....Petitioner

Through: Mr. Anindya Malhotra, DHCLSC
with Ms. Ishita Sehrawat and Mr.
Durgesh, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Neha.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner seeks quashing of FIR No.0235/2019 dated 27.06.2019, registered at P.S. Karawal Nagar, for commission of offence under Section 363 IPC, along with all consequential proceedings arising therefrom. Subsequently, in the charge-sheet, offences under Sections 366/376 of IPC and Section 6 of *Protection of Children from Sexual Offences Act, 2012* (POCSO Act) were also added.
2. Quashing is being sought on the basis of compromise arrived at between the parties as they are residing together for last more than 6 years.
3. The abovesaid FIR was registered on the basis of report lodged by respondent No.3 on 27.06.2019 whereby she informed the police that her elder daughter (respondent No.2 herein) was missing since 25.06.2019.
4. Respondent No.2 was, eventually, recovered and when her statement



was recorded under Section 164 Cr.P.C., she claimed that she had, voluntarily, accompanied petitioner herein and was living happily with him. She further claimed that no wrong had been committed upon her and they both had, voluntarily, married and that she was even pregnant, from such marriage.

5. Since respondent No.2 had not attained the age of discretion at the time of alleged elopement, the charge-sheet was filed.

6. The trial is under-way and both the abovesaid respondents i.e. respondent Nos. 2 and 3 have already entered into the witness box.

7. Learned counsel for petitioner submits that even if their testimony is perused, it would become apparent that there is no incriminating material against the petitioner herein as both the abovesaid witnesses have turned completely hostile and have not whispered even a single incriminating word against the petitioner.

8. It is submitted that petitioner and respondent No.2 have got married and are living happily and have been blessed with three children and, therefore, respondents are, no longer, desirous in pursuing the present FIR and request to quash the FIR.

9. Learned APP for the State opposes such prayer. He, however, does admit that respondents i.e. respondent Nos. 2 and 3 have not supported the case of prosecution.

10. Respondent Nos.2 and 3 are present in-person and keeping in mind the sensitivity of the matter, interaction was done with them in chamber and during such interaction, they reiterated their prayer for quashing of FIR. The mother of respondent No.2 also stated that petitioner was taking best care of her daughter and was just like another son to her. Respondent No.2, who is



now major, claims that she had voluntarily married the petitioner and they all are living happily. She seeks quashing and termination of proceedings, for the reason that the continuance and pendency of present criminal proceedings is creating inexorable apprehension and trauma in their minds and, therefore, its closure would bring complete peace, harmony and justice.

11. The power of the Court under Section 528 BNSS (corresponding Section 482 Cr.P.C.) extends to quashing offences which are non-compoundable on grounds of settlement between victim/complainant and accused, however, such power is to be exercised with caution. Reference in this regard is made to *Narinder Singh & Ors. vs. State of Punjab & Anr.*, (2014) 6 SCC 466, wherein the Apex Court had observed that proceedings, even in non-compoundable cases, can be quashed on the basis of settlement provided that the Court is satisfied that there was no meaningful purpose in continuing with the proceedings, and that the scope of conviction was remote and bleak.

12. It will also be useful to make reference to one recent pronouncement of the Apex Court i.e. *Madhukar & Anr. vs. State of Maharashtra* 2025 SCC OnLine SC 1415. The abovesaid case also relates to offence under Section 376 IPC and, when an application was moved by the parties seeking quashing of the proceedings on the basis of settlement, such petition was dismissed by the jurisdictional High Court which compelled the parties to approach Hon'ble Supreme Court. The Apex Court observed as under in para 6:-

“6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section



482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.”

13. Reference be also made to *XXX v. State of Kerala*: 2026: KER:14272 and *Afsar Ali v. State of Uttarakhand*: 2026: UHC:1132, wherein also, the victim had married the petitioner and the proceedings under stringent provisions of POCSO Act were quashed, to maintain her peaceful matrimonial life.

14. Though, quashing cannot, always, be sought, on mere settlement, particularly when offences are grave, at the same time, the justice delivery system cannot turn blind eye to a genuine request coming from a person who was the ‘actual initiator’ of prosecution. It is imperative for Court to respond appropriately to such plea, after due consideration of all the attendant circumstances. The fear and anxiety expressed by the respondents cannot be said to be unjustifiable or misconceived. The settlement here is not actuated by any monetary consideration. A family is settled here and the prayer is to not to uproot such family.

15. Any criminal trial is, generally, called ‘quest for truth’. The outcome is based on multiple aspects, including factual, legal and procedural. Justice is not, mere, binary outcome in the shape of acquittal or conviction. Just like acquittal can’t be labelled as ‘failure of justice’, conviction cannot always be taken as ‘triumph of justice’. At times, putting quietus, without reaching final conclusion, may also amount to justice. Here the cries of prosecutrix and her three children are loud and clear. Unconcerned with the eventual outcome of said case, for her, the real and substantial justice is to “prevent any further injustice”.

16. The present case is of the year 2017, with very bleak chance of it



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resulting in conviction, particularly in view of hostile testimony of prosecutrix and her mother. Petitioner and prosecutrix are leading a happy married life and are taking best care of their three minor daughters. No useful purpose would be achieved by continuing with the proceedings and thereby disrupting their stable family-life.

17. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR.

18. Consequently, to secure the ends of justice, FIR No.0235/2019 dated 27.06.2019, registered at P.S. Karawal Nagar, for commission of offence under Section 363 IPC, along with all consequential proceedings emanating therefrom, is hereby, quashed.

19. The petition stands disposed of in aforesaid terms.

20. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

FEBRUARY 25, 2026/ss/js